

REMARKS

In accordance with the foregoing, claim 1 has been amended and claim 46 has been cancelled without prejudice or disclaimer. No new matter is being presented. Therefore, claims 1-6, 8-12, and 44-36 are pending and reconsideration is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 1-12 and 44 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. However, since claim 1 has been amended to recite that the claimed current collector has pores comprising at or greater than 60% porosity and less than 98% porosity based on an overall volume of said current collector, which is clearly supported by paragraph [0015] of the specification, it is believed that the rejection is overcome.

CLAIM OBJECTIONS:

Claim 46 is objected to under 27 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. However, since claim 46 has been cancelled, it is requested that the objection be withdrawn.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1-5, 9-12 and 45-46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chu et al (U.S. Patent 6,030,720) in view of Peled et al (U.S. Patent 4,410,609), and claims 6-8 and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chu et al (U.S. Patent 5,686,201) in view of Peled et al (U.S. Patent 4,410,609) as applied to claims 1 and 5 above, and further in view of Kawakami (U.S. Patent 6,475,664). These rejections are overcome.

Regarding the rejection of claim 1, it is noted that claim 1 now recites specifically that it is the sulfur-based active material that is disposed in the pores of the current collector, and that this feature is one aspect of the invention that allows the positive active mass to remain active even in the absence of the conductive agent in the pores. As explained in the specification in paragraph [0026], this is due to the fact that even when the conductive agent is absent from the positive active material, because each of the pores of the current collector surrounds the positive

active material, the positive active material can receive electrons and remain active.

No combination of the references teaches the feature of having the sulfur-based active material being disposed in the pores and thereby allowing the positive active mass to remain active even in the absence of the conductive agent in the pores. In fact, the only reference being cited for the purpose of providing a disclosure of a positive electrode material being interspersed through the matrix provided by the current collector is the citation of Chu, at column 9, lines 27-30. However, Chu is silent as to specifying that a sulfur-based active material be disposed in the pores to allow the positive active mass to remain active even in the absence of the conductive agent in the pores, as claimed.

Thus, applicant respectfully asserts that claim 1 is patentably distinguished over the combination of the references and that, therefore, the rejection of claim 1 is overcome.

Regarding the rejection of claims 1-6, 8-12, 44, and 45, it is noted that these claims depend from claim 1 and are patentably distinguished from the references for at least the reasons set forth above.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: _____

11/2/04

By: _____



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